UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

JASON JOHNSON AND LINDSAY JOHNSON,

Plaintiffs,

v.

CASE NO.: 2:13-cv-1191-CNC

LVNV FUNDING and CHASE CARD SERVICES,

Defendant.

ANSWER

NOW COMES Defendant LVNV Funding ("LVNV"), by counsel, and for its Answer to the Plaintiffs' Complaint, states as follows:

1. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 1 of Plaintiffs' Complaint.

2. In response to paragraph 2 of Plaintiffs' Complaint, LVNV admits that it has an address as alleged, but denies all remaining allegations.

3. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 3 of Plaintiffs' Complaint.

4. In response to the second paragraph 1 of Plaintiffs' Complaint, LVNV admits that the referenced statutes confer jurisdiction upon this Honorable Court, but denies that it violated any law that would subject it to such jurisdiction.

5. LVNV denies the allegations set forth in the second paragraph 2 of Plaintiffs' Complaint.

6. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in the second paragraph 3 of Plaintiffs' Complaint.

7. In response to the third paragraph 1 of Plaintiffs' Complaint, LVNV admits that a complaint was filed on its behalf and admits the remainder of said paragraph.

8. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in the third paragraph 2 of Plaintiffs' Complaint.

9. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in the third paragraph 3 of Plaintiffs' Complaint.

10. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 4 of Plaintiffs' Complaint.

11. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 5 of Plaintiffs' Complaint.

12. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 6 of Plaintiffs' Complaint.

13. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 7 of Plaintiffs' Complaint.

14. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 8 of Plaintiffs' Complaint.

15. LVNV denies the allegations set forth in paragraph 9 of Plaintiffs' Complaint.

16. LVNV denies the allegations set forth in paragraph 10 of Plaintiffs' Complaint.

17. LVNV lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 11 of Plaintiffs' Complaint.

18. LVNV denies the allegations set forth in paragraph 12 of Plaintiffs' Complaint.

19. In response to paragraph 13 of Plaintiffs' Complaint, LVNV adopts by reference paragraph 1 through 18 of this Answer as though fully set forth herein.

20. LVNV denies the allegations set forth in paragraph 14 of Plaintiffs' Complaint.

21. LVNV denies the allegations set forth in paragraph 15 of Plaintiffs' Complaint.

22. LVNV denies the allegations set forth in paragraph 16 of Plaintiffs' Complaint.

23. LVNV denies the allegations set forth in paragraph 17 of Plaintiffs' Complaint.

24. LVNV denies the allegations set forth in paragraph 18 of Plaintiffs' Complaint.

25. LVNV denies the allegations set forth in paragraph 19 of Plaintiffs' Complaint.

26. In response to paragraph 25 of Plaintiffs' Complaint, LVNV adopts by reference paragraph 1 through 25 of this Answer as though fully set forth herein.

27. LVNV denies the allegations set forth in paragraph 26 of Plaintiffs' Complaint.

28. LVNV denies the allegations set forth in paragraph 27 of Plaintiffs' Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiffs fail to state a claim upon which relief may be granted.

SECOND DEFENSE

Any violation of the law or damage suffered by Plaintiffs, which LVNV denies, was due to the affirmative actions and/or omissions of Plaintiffs or others, and does not give rise to any liability of LVNV.

THIRD DEFENSE

Any violation of the FDCPA, which LVNV denies, was not intentional and resulted, if at all, from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors.

FOURTH DEFENSE

Any violation of the law or damage suffered by Plaintiffs, which LVNV denies, was due to the affirmative actions and/or omissions of Plaintiffs or others, and does not give rise to any claim of damages against LVNV.

FIFTH DEFENSE

Plaintiffs have suffered no damages as a result of any acts or omissions of LVNV.

SIXTH DEFENSE

LVNV reserves the right to amend these Affirmative Defenses resulting from additional information as may be disclosed during the course of discovery.

WHEREFORE, LVNV prays for an order and judgment of this Court in its favor against Plaintiffs as follows:

1. Dismissing all causes of action against LVNV with prejudice and on the merits; and,

2. Awarding LVNV such other and further relief as the Court deems just and equitable.

Dated: December 9, 2013.

MOSS & BARNETT
A Professional Association

By s/Michael S. Poncin
Michael S. Poncin, MN Bar # 296417
James R. Bedell, MN Bar # 351544
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis MN 55402-4129
Telephone: (612) 877-5000
Fax: (612) 877-5999
E-mail: PoncinM@moss-barnett.com
E-mail: BedellJ@moss-barnett.com

ATTORNEYS FOR DEFENDANT LVNV FUNDING LLC